

JAN 12 2005

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8 I hereby certify that this correspondence, totaling 43 pages including recited attachments, is being facsimile transmitted to the United States Patent and Trademark Office at facsimile no.: 703-672-9308 (Central number), on the following date:		
Date: January 12, 2005	Name: David W. Okey (42,959)	Signature: <i>David W. Okey</i>

**BRINKS
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& LIONE**
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Wai Kai Wong et al.

Appln. No.: 10/620,001

Filed: July 14, 2003

For: Inertia Switch and Flashing Light System

Examiner: Kyung S. Lee

Art Unit: 2832

Attorney Docket No: 9046/23

 Mail Stop Amendment
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Response to Restriction Requirement; Supplemental Information Disclosure Statement; Form PTO-1449 (one sheet); five cited references

- ☐ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

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					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+ \$180=			+ \$360=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

David W. Okey
 David W. Okey (Reg. No. 42,959)

Date

12 Jan 2005

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David W. Okey

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Registered Representative

Signature

Date of Signature

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JAN 12 2005

Our Case No. 9046/23

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Wai Kai Wong et al.

Serial No. 10/620,001

Filing Date: July 14, 2003

For: Inertia Switch and Flashing Light System

Examiner: Kyung S. Lee

Group Art Unit No. 2832

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In reply to the Office Action and Restriction Requirement mailed December 16, 2004, Applicants have timely filed this Response as evidenced by the above Certificate of Facsimile Transmission. Applicants traverse the restriction requirement and elect Group I, Claims 1-8, 11-18, 21-26, 28-33, and 37. Applicants respectfully request the Examiner to withdraw the restriction requirement and to advance all the claims of the application to examination.

Appl. No. 10/620,001
Restriction Requirement mailed December 16, 2004
Response transmitted January 12, 2005

Applicant Docket 9046/23

REMARKS/ARGUMENTS

1. Claim 1-37 are pending in the Application. The Office Action requires a restriction as between two Groups of claims, the claims directed to a product and a process of using the product. Group I is directed to an inertia switch and includes Claims 1-8, 11-18, 21-26, 28-33, and 37. Group II is drawn to a method of using a flashing light system, and includes Claims 9-10, 19-20, 27, and 34-36. Applicants traverse the restriction requirement and elect Group I.

2. The restriction requirement may be overcome if Applicants can show that the suggested alternative use cannot be accomplished. The alternative use suggested in the Office Action for using the product as claimed is "mounting a decorative bell." Applicants presume the Examiner intends to use an inertia switch to activate a bell, such as by mounting an inertia switch between the clapper and the housing of the bell. An inertia switch in this example is superfluous. Motion, such as that provided by a hand of the user, is required to activate the inertia switch, and the same motion would be required to ring the bell. Thus, the inertia switch is not needed and is superfluous.

Alternatively, suggests the Office Action, the product as claimed, the inertia switch, can be used in a materially different process, such as in an automobile. An automobile is not a process. Thus, the Office Action fails to give an example of a materially different process, and the restriction requirement is overcome.

3. The Office Action has failed to document that the claimed inertia switch may be used in a materially different process; Applicants have shown that the suggested alternative use for the product is superfluous. Accordingly, the restriction requirement is overcome, since the Office Action fails to show that the process of using can be practiced with another materially different product, or that the product can be used in a materially different process. Applicants respectfully request the Examiner to withdraw the restriction requirement and to advance Claims 1-37 to examination.

Appl. No. 10/620,001
Restriction Requirement mailed December 16, 2004
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Applicant Docket 9046/23

Respectfully submitted,

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